

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:99-cr-149

v

HON. JANET T. NEFF

KENTA RAYNARD MOORE,

Defendant.

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MEMORANDUM OPINION AND ORDER

This matter is before the Court on defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (Dkt #56). On review of the defendant's motion, the Sentence Modification Report, submissions of counsel for defendant and the government, and the original criminal file, the motion is denied because defendant is ineligible for reduction in sentence because the quantity of drugs used to drive the guidelines exceeds 4,500 grams.

Defendant argues that the amount of drugs in which he was involved in the original offense conduct as reported in the Presentence Report is "not exact," "open to interpretation," and "speculative at best". However, even assuming for sake of argument without conceding the point, that defendant's argument is correct, it is clear that defendant raised no factual or legal objection to the Presentence Report. His collateral challenge to the amount of drugs stated in the Presentence Report almost 8 years after the fact, is too late. His failure to object at the time of sentencing stands as an admission of the fact. *United States v Adkins*, 429 F.3d 631, 632-33 (6th Cir. 2005).

Date: April 25, 2008

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge